

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"
BRIAN ESTRADA,
BRIAN NEVAREZ, a.k.a. "Buttercup,"
BARBARA LOZOYA MICHEL, a.k.a. "Tia,"

ORLANDO BUSTILLOS, and
FIDEL M. ORTIZ, a.k.a. "Pops,"

Defendants.

CRIMINAL NO. 18CR1252 RB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 18 U.S.C. § 1956(h):
International Money Laundering
Conspiracy;

Counts 3-9, 11, 12, 16, and 17: 21 U.S.C. §
843(b): Use of a Communication Facility to
Further the Commission of a Drug
Trafficking Crime;

Count 10: 18 U.S.C. § 1956(a)(2)(A):
International Money Laundering; 18 U.S.C.
§ 2: Aiding and Abetting;

Counts 13 and 14: 21 U.S.C. §§ 841(a)(1)
and (b)(1)(C): Distribution of Cocaine; 18
U.S.C. § 2: Aiding and Abetting;

Count 15: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(C): Possession with Intent to
Distribute Cocaine; 18 U.S.C. § 2: Aiding
and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about October 24, 2017, and continuing to on or about April 18, 2018, in
Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL**
GONZALES, a.k.a. "Bean," a.k.a. "Junior," BRIAN ESTRADA, BRIAN NEVAREZ,
a.k.a. "Buttercup," BARBARA LOZOYA MICHEL, a.k.a. "Tia," ORLANDO
BUSTILLOS, and FIDEL M. ORTIZ, a.k.a. "Pops," unlawfully, knowingly and

intentionally combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. § 841(a)(1), specifically, distribution of controlled substances, heroin and cocaine.

Quantity of Heroin Involved in the Conspiracy

With respect to **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior," BRIAN ESTRADA**, the amount involved in the conspiracy attributable to them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 100 grams and more of heroin, contrary to 21 U.S.C. § 841(b)(1)(B).

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following acts, among others, were committed:

Overt Act One

On October 25, 2017, during a telephone call, Fidel Gonzales and Brian Estrada discussed the details of a drug load that was to be transported to Columbia, South Carolina.

Overt Act Two

On October 25, 2017, Brian Estrada delivered four units of illegal drugs to an individual in Columbia, South Carolina.

Overt Act Three

On October 26, 2017, in a telephone call, Brian Estrada told Fidel Gonzales that he had delivered the four units of illegal drugs to the individual in Columbia, South Carolina.

Overt Act Four

On October 26, 2017, Brian Estrada and Brian Nevarez exchanged a series of calls and text messages to arrange the delivery of two units of illegal drugs to an individual in Chattanooga, Tennessee.

Overt Act Five

On October 26, 2017, Brian Estrada delivered two units of illegal drugs to an individual in Chattanooga, Tennessee.

Overt Act Six

On October 26, 2017, in a telephone call, Brian Estrada told Brian Nevarez that he had delivered the two units of illegal drugs to the individual in Chattanooga, Tennessee.

Overt Act Seven

On October 26, 2017, in a telephone call, Brian Nevarez told Brian Estrada that the individual who had received the two units of illegal drugs in Chattanooga, Tennessee, was upset about the poor quality of the illegal drugs.

Overt Act Eight

On October 27, 2017, in a series of text messages and telephone calls, Brian Nevarez, Brian Estrada, and Fidel Gonzales agreed to sell the individual in Chattanooga, Tennessee, the two units of illegal drugs for \$28,000 per unit, based on the poor quality of the illegal drugs.

Overt Act Nine

On November 3, 2017, in a series of telephone calls and text messages, Brian Estrada told Fidel Gonzales that Brian Estrada was going to transport heroin and approximately \$125,000 in drug proceeds from South Carolina to New Mexico.

Overt Act Ten

On November 5, 2017, Brian Estrada transported 838.06 net grams of heroin on behalf of Fidel Gonzales, in an attempt to deliver the heroin back to Las Cruces, New Mexico.

Overt Act Eleven

On November 5, 2017, Brian Estrada transported \$124,855 in drug proceeds on behalf of Fidel Gonzales, which was intended to ultimately be delivered to Mexico.

Overt Act Twelve

On November 5, 2017, in a telephone call, Brian Estrada told Fidel Gonzales that the \$124,855 in drug proceeds had been seized by law enforcement.

Overt Act Thirteen

On February 7, 2018, Fidel Gonzales called one of his Mexican-based sources of supply to purchase illegal drugs.

Overt Act Fourteen

On February 25, 2018, in a telephone call, Fidel Gonzales and Barbara Lozoya Michel discussed Fidel Gonzales sending drug proceeds to Barbara Lozoya Michel on February 26, 2018.

Overt Act Fifteen

On February 26, 2018, in a series of text messages, Fidel Gonzales contacted one of his local illegal drugs distributors to collect drug proceeds to send to Barbara Lozoya Michel.

Overt Act Sixteen

On February 26, 2018, in a telephone call, Fidel Gonzales directed Fidel Ortiz to deliver drug proceeds to Barbara Lozoya Michel in El Paso, Texas.

Overt Act Seventeen

On February 26, 2018, Fidel Ortiz delivered \$15,000 in drug proceeds to Barbara Lozoya Michel in El Paso, Texas.

Overt Act Eighteen

On February 26, 2018, in a telephone call, Fidel Ortiz told Fidel Gonzales that he had delivered \$15,000 in drug proceeds to Barbara Lozoya Michel in El Paso, Texas.

Overt Act Nineteen

On February 26, 2018, in a telephone call, Fidel Gonzales told his Mexican-based source of supply that Fidel Ortiz had delivered \$15,000 in drug proceeds to Barbara Lozoya Michel in El Paso, Texas.

Overt Act Twenty

Between February 26, 2018, and February 27, 2018, in a series of telephone calls and text messages, Brian Nevarez agreed to sell two ounces of cocaine to Orlando Bustillos on February 27, 2018.

Overt Act Twenty-One

On February 27, 2018, Fidel Gonzales provided cocaine to Brian Nevarez for Brian Nevarez to give to Orlando Bustillos.

Overt Act Twenty-Two

On February 27, 2018, Brian Nevarez provided 93.5 gross grams of cocaine to Orlando Bustillos.

Overt Act Twenty-Three

On February 27, 2018, Orlando Bustillos possessed approximately 93.5 gross grams of cocaine that he intended to distribute to other people.

Overt Act Twenty-Four

On February 27, 2018, in a telephone call, Barbara Lozoya Michel told Fidel Gonzales that his drug debt was approximately \$32,320.

Overt Act Twenty-Five

On March 1, 2018, in two telephone calls, Fidel Gonzales told Barbara Lozoya Michel that he would be sending drug proceeds to, and picking up illegal drugs from, Barbara Lozoya Michel, on March 2, 2018.

Overt Act Twenty-Six

On March 2, 2018, Fidel Ortiz delivered drug proceeds to, and picked up illegal drugs from, Barbara Lozoya Michel in El Paso, Texas.

Overt Act Twenty-Seven

On March 2, 2018, in a telephone call, Fidel Ortiz and Barbara Lozoya Michel told Fidel Gonzales that Fidel Ortiz had delivered approximately \$13,840 in drug proceeds to Barbara Lozoya Michel in El Paso, Texas.

In violation of 21 U.S.C. § 846.

Count 2

From on or about October 24, 2017, and continuing to on or about April 18, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior," BRIAN ESTRADA, BARBARA LOZOYA MICHEL, a.k.a. "Tia,"** and **FIDEL M. ORTIZ, a.k.a. "Pops,"** knowingly combined, conspired, confederated, agreed, and acted interdependently with each other and with other

persons known and unknown to the Grand Jury to commit an offense defined in 18 U.S.C. § 1956(a)(2), specifically, international money laundering.

In violation of 18 U.S.C. § 1956(h).

Count 3

On or about October 25, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and **BRIAN ESTRADA**, unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 4

On or about October 26, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and **BRIAN ESTRADA**, unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 5

On or about October 26, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **BRIAN ESTRADA** and **BRIAN NEVAREZ, a.k.a. "Buttercup,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 6

On or about November 3, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and **BRIAN ESTRADA**, unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 7

On or about November 5, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendant, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and **BRIAN ESTRADA**, unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 8

On or about February 7, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendant, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 9

On or about February 25, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and

BARBARA LOZOYA MICHEL, a.k.a. "Tia," unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 10

On or about February 26, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior," BARBARA LOZOYA MICHEL, a.k.a. "Tia,"** and **FIDEL M. ORTIZ, a.k.a. "Pops,"** did knowingly and intentionally transport, transmit, and transfer, and did attempt to transport, transmit, and transfer, United States currency from a place in the United States to and through a place outside the United States, with the intent to promote the carrying on of a specified unlawful activity, that is distribution of a controlled substance.

In violation of 18 U.S.C. §§ 1956(a)(2) and 2.

Count 11

On or about February 26, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and **FIDEL M. ORTIZ, a.k.a. "Pops,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 12

On or about February 27, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **BRIAN NEVAREZ, a.k.a. "Buttercup,"** and **ORLANDO BUSTILLOS,** unlawfully, knowingly and intentionally used a communication facility, a

telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 13

On or about February 27, 2018, in Doña Ana County, in the District of New Mexico, the defendant, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 14

On or about February 27, 2018, in Doña Ana County, in the District of New Mexico, the defendant, **BRIAN NEVAREZ, a.k.a. "Buttercup,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 15

On or about February 27, 2018, in Doña Ana County, in the District of New Mexico, the defendant, **ORLANDO BUSTILLOS,** unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 16

On or about February 27, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean,"** and **BARBARA LOZOYA MICHEL, a.k.a. "Tia,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 17


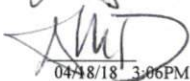
On or about March 2, 2018, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **FIDEL GONZALES, a.k.a. "Bean," a.k.a. "Junior,"** and **FIDEL M. ORTIZ, a.k.a. "Pops,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

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